

# "Deliberately Unfriendly," Wilson Warns Kaiser, if Another American Is Injured

## BECKER'S LAST MOVE A PLEA FOR NEW TRIAL

## Supreme Court Asked to Act on 'Big Tim' Evidence.

## TIME MAY BALK LAWYERS' PLAN

## Perkins to Appear Before Justice Ford on Monday.

Confronted by numerous affidavits averring that Charles Becker was "framed up," Justice Philbin, in the Supreme Court, yesterday ordered District Attorney Perkins to appear before Justice Ford, in the Supreme Court on Monday morning, to show cause why a new trial should not be granted to Becker.

This proceeding virtually demands a decision from Justice Ford by Tuesday night, for Becker is due to die in the electric chair before 6 o'clock on the morning following.

Should Justice Ford hold that the time is insufficient only a reprieve from Governor Whitman can save the condemned man. If Justice Ford refuses to order a new trial Becker's fight for life will be over. If a new trial is granted that decision will operate as a stay, without recourse to the Governor.

Of course, in the event that Justice Ford found he could not give due consideration to the application for a new trial within the short time left to him, he could recommend to Governor Whitman that a short reprieve be granted, but it is believed that even such a request from that source would not move the State Executive.

W. Bourke Cockran and John Johnston, Becker's attorneys, won the order from Justice Philbin on the ground that the affidavits contained new evidence. The sworn statements—one of them from Becker—declare that Becker told none of his counsel of the "Big Tim" Sullivan feature, which, they contend, would have effected Becker's acquittal.

Joseph Murphy, convict, whose letter to Mr. Cockran, stating that he overheard the three informers discussing a plan to frame up Becker long before the trial, has already been printed, makes affidavit to the statements it contained.

Becker May Go to Court.

The attorneys offer to submit Becker to the District Attorney for cross-examination before Justice Ford. The latter could order the production of Becker before him.

The motion papers were served late yesterday afternoon on Mr. Perkins. He refused to comment on the motion and would not say who was to appear for the District Attorney in opposition to Mr. Cockran's argument on Monday morning.

In the sworn statements are affidavits from John E. McIntyre, who defended Becker at the first trial, and Martin T. Manion, Becker's counsel at the second trial, that they did not know of the late Senator Sullivan's part in the case.

The Rev. Father James B. Curry, Tombs chapel pastor of St. James' Church, on Oliver Street, is the first man, Mr. Cockran says, who lifted the veil of secrecy from the Sullivan circumstance.

Priest Aids Condemned Man.

Father Curry makes affidavit to this. He swears that he first met Becker in the Tombs while the latter was awaiting trial for the first time. On June 2, 1913, he made his first visit to Becker in the Sing Sing deathhouse. On the second or third visit Becker told him of his visit to Sullivan's theatre office on the night of Sunday, July 14, a few more than twenty-four hours before the murder.

"Sullivan brought him upstairs to an office in the back," Father Curry says, "and from Becker's story to him, 'There Sullivan spoke about Rosenthal's coming appearance before the grand jury, and wished to know if there was not some way by which Rosenthal could be prevented from testifying. Becker thereupon said, 'Neither you nor I have anything to fear from any disclosures whatever that Rosenthal will make. I know all that he is going to say. I know whose names he will mention. Neither you nor I have anything to fear from him.' Sullivan said, 'It must be prevented; I couldn't stand for it.' 'No,' said Becker, 'this fellow has got to get this thing off. You need have no fear at all. I haven't any.' After reassuring Sullivan that there was not any need of fear, Becker returned home."

Becker, Father Curry says, intended, prior to the second trial, to take the witness stand. The priest urged Becker to tell of the Sullivan matter, and was given to understand that Becker would do so. In view of that, Father Curry withheld what he knew from all save three persons, "to whom I imparted the facts in strictest confidence."

When the Court of Appeals refused Becker a third trial, Father Curry says, he told the story to Mr. Cockran, but, on the latter's failure to make it public, he decided, inasmuch as Becker did not discuss the matter in sacramental confidence, to tell the public through the newspapers.

Another affidavit pertaining to Sullivan is made by Benjamin H. Kaufman,

## TENNIS COURT GUN BASE

German Plan to Control Canadian Canal Discovered.

(By Telegram to The Tribune.)

Montreal, July 23.—Coinciding with the appearance of an aeroplane over Chateaugay on Tuesday, when a German officer was said to have been carried away, was the discovery that a German had installed a concrete tennis court there.

A gun placed on this court would command the Soulanges Canal and the only railway bridge by which reinforcements from Toronto, Ottawa and the west could reach Montreal.

## BEGGAR WORE WEALTH

Woman, 70, Had Bankbook, Gold and Silver.

This is what the matron of the West Thirtieth Street station found on Mrs. Nellie Hines, a seventy-year-old mendicant, when the latter was arrested yesterday, charged with soliciting alms in the Pennsylvania depot.

A savings bank book showing a balance of \$912; two \$5 gold pieces; fifty silver quarters; ten dimes, twenty-three nickels and sixty-four pennies; also, forty-two English banknotes and two English sovereigns.

## NEW DESTROYER WAS ALMOST SUNK

Sea Cock on Ericsson Opened as She Lay Near Battleship Set Afire.

(By Telegram to The Tribune.)

Camden, N. J., July 23.—Officials of the United States Navy had another problem to solve yesterday, when news was sent to them that the torpedo boat destroyer Ericsson, completed and ready for delivery, had been found in a sinking condition Wednesday morning as she lay at her dock in the yard of the New York Shipbuilding Company.

Only the prompt action of the officials of the company, who placed their largest pumps in the Ericsson, kept the decks above water. The destroyer had been pumped out to-night, and, besides a little green slime, appeared to be none the worse.

The sea cock in her hold had been opened by some person, who visited the vessel after 9 o'clock on Tuesday night when William Boyle, of Gloucester, the watchman, left the destroyer and reported everything on board safe.

As was the case with the Oklahoma, which was badly damaged by fire the night previous to the attempted sinking of the Ericsson, the officials of the company did all in their power to keep the latest attempt to damage United States property at their yard from becoming public.

During the last few days the guards about the shipbuilding plant have been increased both at the gates and the waterfront. To further protect the Ericsson, which lies just across from the battleship Oklahoma, and hardly a hundred yards from the Melville, about to be delivered to the government as a supply ship for the government, a cable has been stretched across the slip, keeping all boats away from the destroyer and Dreadnought.

## WOMAN WILL RUN FOR U. S. SENATE

Kansas Temperance Crusader Will Fight on Prohibition and Suffrage Issues.

(By Telegram to The Tribune.)

Topeka, Kan., July 23.—Mrs. Lillian Mitchner, president of the Woman's Christian Temperance Union, was entered in the race for United States Senator in 1918 by women political workers to-day. She is now in Pennsylvania, campaigning for suffrage and prohibition, the issues on which she will make her fight on an independent ticket.

## SOLD WOMAN AND CHILD

Reservist Off to Italy; Buyer and Purchase Arrested.

(By Telegram to The Tribune.)

Trenton, N. J., July 23.—Tony Sebano, wanting to become a soldier of Italy, offered to sell to Augustine Angeli, a boarder, his housekeeper and her child and give him the furniture so he could start housekeeping with but little expense. Augustine paid \$20 and Tony sailed to war.

The police heard of the transaction and placed the woman and Angeli under arrest. Judge Naar to-day fined them \$15 each.

## PRIESTS STILL BAYONNE MOB; SAVE SHERIFF

## Aged Pastor Stops Ugly Attack on Kinkead's Car

## PISTOLS DRAWN AS AN ANSWER

## Cache of Rifles Raided by Detectives Halts Assault on Oil Plant.

Three Catholic priests walked unarmed and unafraid through a yelling mob of strikers at Bayonne yesterday afternoon, and by their influence turned aside the human tide which threatened to overwhelm Sheriff Kinkead, Under Sheriff Clark and several deputies.

A great crowd of maddened Poles and Lithuanians had swept down upon the Sheriff's car in East Twenty-second Street. Stones were flying fast, and the police sent from headquarters when the riot call was turned in were unable to keep the mob at bay. Several shots had been fired and the police had drawn their revolvers, when Father Andrew Eagan, of St. Mary's Church; Father Edward J. Budraawiz, of St. Michael's, and Father Felix Steelman, of Mount Carmel, appeared.

Father Eagan is an old man, the dean of the Bayonne clergy. There was no sign of age in his voice as he clambered to the railway embankment and ordered the crowd to disperse. His two associates mingled with the mob, many of them members of the St. Michael's and Mount Carmel congregations, begging them to keep calm, to cease to use force.

Pastors Disperse Mob.

The heavy, dulle eyes of Pole and Lithuanian turned toward their pastors. Here and there a man crossed himself. The rain of missiles slackened, then ceased, and the packed masses of the strikers began to withdraw before the pushes of the police surrounding the Sheriff's car. In a little while the street was cleared, and Kinkead, who had, bareheaded and unarmed, ventured into the mob and had been surrounded, went on his way. The priests left as quietly as they had come.

Find Cache of Rifles.

A rumor that the strikers were arming themselves for a general attack upon the oil properties was confirmed early this morning, when five detectives of the Bayonne police, headed by Acting Captain Wigney, raided Wydosch's Hall, the rallying place of the strikers, and brought away fifty Springfield rifles and as many bayonets.

It was well after 12 o'clock when the police swooped down upon the hall. No one was there but the proprietor, and he offered no resistance. The detectives gathered up the arms, carried them out to their machines and were on the way back to Police Headquarters before any of the strikers realized what had happened. The rifles are of modern model and are in good condition. They were probably bought with the "war fund" which the oil employees collected when they walked out.

Four deputies and five special guards were injured by the strikers yesterday. For an hour in this afternoon East Twenty-second Street was the battleground for the noisiest and most vivid mob fight staged since the strike began. That no one was killed is due to the fact that the ammunition of the strikers has been exhausted and no one in Hudson County will furnish them with any.

Sheriff Kinkead again appealed for troops to Governor Fielder yesterday afternoon. He talked with the Governor over the telephone and told him it was absolutely necessary to have uniformed men on the scene to quell the riots. The Governor gave no definite answer.

"I told Governor Fielder," the Sheriff said after his conference, "that I was prepared to stay here with my men to defend life and property as long as I was on my feet. I also described to him exactly what happened here this afternoon. If I could get uniformed men I could go through a week like this without trouble. I told the Governor that if Jersey City and Hoboken did not furnish us with sufficient uniformed men, I would go to New York."

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## Full Text of Third Note to Germany

The Secretary of State to Ambassador Gerard. Department of State, Washington, July 21, 1915.

You are instructed to deliver textually the following note to the Minister for Foreign Affairs:

The note of the Imperial German Government dated the 8th of July, 1915, has received the careful consideration of the Government of the United States, and it regrets to be obliged to say that it has found it very unsatisfactory, because it fails to meet the real differences between the two governments and indicates no way in which the accepted principles of law and humanity may be applied in the grave matter in controversy, but proposes, on the contrary, arrangements for a partial suspension of those principles which virtually set them aside.

The Government of the United States notes with satisfaction that the Imperial German Government recognizes without reservation the validity of the principles insisted on in the several communications which this government has addressed to the Imperial German Government with regard to its announcement of a war zone and the use of submarines against merchantmen on the high seas—the principle that the high seas are free, that the character and cargo of a merchantman must first be ascertained before she can lawfully be seized or destroyed, and that the lives of non-combatants may in no case be put in jeopardy unless the vessel resists or seeks to escape after being summoned to submit to examination; for a belligerent act of retaliation is per se an act beyond the law, and the defence of an act as retaliatory is an admission that it is illegal.

The Government of the United States is, however, keenly disappointed to find that the Imperial German Government regards itself as in large degree exempt from the obligation to observe these principles, even where neutral vessels are concerned, by what it believes the policy and practice of the Government of Great Britain to be in the present war with regard to neutral commerce. The Imperial German Government will readily understand that the Government of the United States cannot discuss the policy of the Government of Great Britain with regard to neutral trade except with that government itself, and that it must regard the conduct of other belligerent governments as irrelevant to any discussion with the Imperial German Government of what this government regards as grave and unjustifiable violations of the rights of American citizens by German naval commanders. Illegal and inhuman acts, however justifiable they may be thought to be against an enemy who is believed to have acted in contravention of law and humanity, are manifestly indefensible when they deprive neutrals of their acknowledged rights, particularly when they violate the right to life itself. If a belligerent cannot retaliate against an enemy without injuring the lives of neutrals, as well as their property, humanity, as well as justice and a due regard for the dignity of neutral powers, should dictate that the practice be discontinued. If persisted in, it would in such circumstances constitute an unpardonable offence against the sovereignty of the neutral nation affected. The Government of the United States is not unmindful of the extraordinary conditions created by this war or of the radical alterations of circumstance and method of attack produced by the use of instrumentalities of naval warfare which the nations of the world cannot have had in view when the existing rules of international law were formulated, and it is ready to make every reasonable allowance for these novel and unexpected aspects of war at sea; but it cannot consent to abate any essential or fundamental right of its people because of a mere alteration of circumstance. The rights of neutrals in time of war are based upon

principle, not upon expediency, and the principles are immutable. It is the duty and obligation of belligerents to find a way to adapt the new circumstances to them.

The events of the past two months have clearly indicated that it is possible and practicable to conduct such submarine operations as have characterized the activity of the Imperial German Navy within the so-called war zone in substantial accord with the accepted practices of regulated warfare. The whole world has looked with interest and increasing satisfaction at the demonstration of that possibility by German naval commanders. It is manifestly possible, therefore, to lift the whole practice of submarine attack above the criticism which it has aroused and remove the chief causes of offence.

In view of the admission of illegality made by the Imperial Government when it pleaded the right of retaliation in defence of its acts, and in view of the manifest possibility of conforming to the established rules of naval warfare, the Government of the United States cannot believe that the Imperial Government will longer refrain from disavowing the 'wanton act of its naval commander in sinking the Lusitania or from offering reparation for the American lives lost, so far as reparation can be made for a needless destruction of human life by an illegal act.

The Government of the United States, while not indifferent to the friendly spirit in which it is made, cannot accept the suggestion of the Imperial German Government that certain vessels be designated and agreed upon which shall be free on the seas now illegally proscribed. The very agreement would, by implication, subject other vessels to illegal attack, and would be a curtailment and therefore an abandonment of the principles for which this government contends and which in times of calmer counsels every nation would concede as of course.

The Government of the United States and the Imperial German Government are contending for the same great object, have long stood together in urging the very principles upon which the Government of the United States now so solemnly insists. They are both contending for the freedom of the seas. The Government of the United States will continue to contend for that freedom, from whatever quarter violated, without compromise and at any cost. It invites the practical co-operation of the Imperial German Government at this time when co-operation may accomplish most and this great common object be most strikingly and effectively achieved.

The Imperial German Government expresses the hope that this object may be in some measure accomplished even before the present war ends. It can be. The Government of the United States not only feels obliged to insist upon it, by whomsoever violated or ignored, in the protection of its own citizens, but is also deeply interested in seeing it made practicable between the belligerents themselves, and holds itself ready at any time to act as the common friend who may be privileged to suggest a way.

In the mean time, the very value which this government gets upon the long and unbroken friendship between the people and Government of the United States and the people and Government of the German nation impels it to press very solemnly upon the Imperial German Government the necessity for a scrupulous observance of neutral rights in this critical matter. Friendship itself prompts it to say to the Imperial Government that repetition by the commanders of German naval vessels of acts in contravention of those rights must be regarded by the Government of the United States, when they affect American citizens, as deliberately unfriendly.

## WILSON RETURNS TO CORNISH HOME

Will Take Up Mexican Situation and Note of Protest to Great Britain.

(From The Tribune Bureau.)

Washington, July 23.—The President left Washington for his summer home at Cornish, N. H., late this afternoon. He is expected to return within a week to take up routine work neglected because of the international situation.

Philadelphia, July 23.—The train bearing President Wilson and his party to Cornish, N. H., passed through here to-night. The President had retired before his train reached this city.

## MESSAGE TO GERMANY STRONGEST IN TERMS SINCE WAR STARTED

## Without Preamble, It Declares Berlin's Answer to Demands "Very Unsatisfactory."

## ITS WORDS TANTAMOUNT TO THREAT OF A BREAK

## Plea of Retaliation Against Enemies in Justification of Lawless Acts and Any Compromise of American Rights Flatly Rejected.

(From The Tribune Bureau.)

Washington, July 23.—President Wilson has met the demands of the American people in his latest note to Germany. This is the universal opinion here to-night. The course adopted by the President and his Secretary of State in reducing the situation to practical terms is applauded on all sides. There is not a scintilla of doubt in Washington that he will have the country solidly behind him.

The hand of a trained diplomat is easily discernible in the direct, incisive language of the document, and Secretary Lansing is warmly praised for his skillful work in framing it. It is regarded as remarkably free from rhetorical periods and vague phraseology, and as going at once to the heart of the difficulty in a manner that has proved extremely gratifying to those who feared the note would be too rich in words and too lean in meaning.

Officials agree that it is the sternest note this government has sent since the beginning of the war. It is the only one that has begun without a long and formal preamble proclaiming the friendly intentions of the government. Instead, it announces at once that the last German note was "very unsatisfactory" and "failed to meet the real differences between the two governments." This tone is consistently maintained throughout.

The issue is sharply defined. Germany must abide by international law in her relations with this country, regardless of what justification she may have for retaliation against Great Britain. Any future contravention of the law of nations will, when it affects American citizens, be regarded as "deliberately unfriendly."

Strongest Terms Yet Employed.

It is pointed out by diplomats that this phrase is stronger than any heretofore used in notes to Germany. The warning that Germany would be held to a "strict accountability," and the statement that this government would not "omit any word or act" are regarded as phrases of far weaker significance in diplomatic language. The proclamation that violations of international law will be considered as "deliberately unfriendly" is tantamount, diplomats say, to threatening, at least, a severance of relations, if not a declaration of war.

The note does not recede in any legal sense from the position taken in the two previous notes. It does, however, abandon the request for assurances that American rights will be respected. Instead, it asserts those rights. This, many officials believe, is what should have been done in the first place.

Advantage is taken of the admission by Germany that her submarine campaign is a retaliation to point out that, as retaliatory measures are by their nature extra-legal, the German government is in agreement with the United States on the matter of principle. The United States, however, asserts that extra-legal acts cannot be committed against neutrals.

The note insists that when retaliation cannot be practised without infringing the rights of neutrals it should be abandoned. Its continuance would, in such circumstances, constitute an unpardonable offence against the neutrals affected.

"Principle, Not Expediency."

Germany's plea that the invention of submarines has created new conditions which were not foreseen when present laws were formulated is quickly disposed of by the statement that "the rights of neutrals in time of war are based upon principle, not expediency," and "it is the duty of belligerents to find a way to adapt the new circumstances" to the "immutable principles."

Demand for reparation for the American losses on the Lusitania is reiterated, and this time the sinking of the vessel is characterized as a "wanton act" by the commander of the submarine, which the United States expects the German government will no longer hesitate to disavow.

As was well known from the start of the negotiations, compromise of any kind tending to limit the freedom of movement of Americans on the high seas is rejected. The proposal by Germany that certain ships be granted immunity from attack and thus provide a safe

conduct of the voyage is also rejected. The President believes that the German government will no longer hesitate to disavow.

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